

REMARKS

This amendment is in response to the office action mailed on June 18, 2004, in which claims 1, 2, 5, and 13 were rejected and claims 3, 4, 6-12, and 14-20 were withdrawn from consideration. With this amendment, claim 13 is amended.

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

1. Election/Restriction Requirement.

In Sections 1 and 2 of the office action, the Examiner withdrew claims 3, 4, 6-12 and 14-20 from consideration as being drawn to a non-elected invention, "there being no allowable generic or linking claim." Applicants note that independent claims 1 and 13, which are presently being examined, are generic to at least dependent claims 3, 4, 14, 15, 16, and 17, and respectfully request that upon allowance of one or both of the independent claims, the dependent claims be brought back into the case for allowance as well.

In Section 2 of the office action, the Examiner states that "Election was made without traverse in the reply filed on 01 April 2004." Applicants note that the election/restriction requirement was traversed in the response filed May 3, 2004, with claims 1, 2, 5, and 13 being provisionally elected for examination.

2. Rejection of Claims 1, 2, and 5 under 35 U.S.C. §112.

In Section 4 of the Office Action, the Examiner rejected claims 1, 2, and 5 under 35 U.S.C. § 112, first paragraph, "as failing to comply with the enablement requirement." The Examiner stated that "there is no single spring that will perform the function of biasing the jaws apart in the unfolded condition of the handles and biasing the jaws together in the folded condition of the handles."

Applicants respectfully traverse the rejection under 35 U.S.C. § 112. The Examiner correctly states that the spring in the head biases the jaws apart when the handles are both in the folded and unfolded positions. However, the same spring will bias the handles apart when the handles are in an unfolded position, (Application Specification, ¶ 80), and will bias

the handles closed when the handles are in a folded position, (Application Specification, ¶ 79). Referring to claim 1, from which claims 2 and 5 depend, “the handles are biased in an open position when the handles are in the unfold configuration and the handles are biased in a closed position when the handles are in the folded configuration” (emphasis added). Accordingly, claim 1 is enabled by the application as filed and therefore Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 2 and 5 under 35 U.S.C. § 112.

3. Rejection of Claim 13 under 35 U.S.C. § 103(a).

In Section 7 of the Office Action, the Examiner rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over any of Rivera (U.S. Pat. No. 6,510,767), Chang (U.S. Pat. No. 6,038,735) or Berg et al. (U.S. Pat. No. 5,745,997) in view of either Lin (U.S. Pat. No. 5,822,830) or Chen (U.S. Pat. No. 6,332,242). With this amendment, Applicants have amended claim 13 to overcome the rejection based upon Rivera, Chang or Berg et al. in view of either Lin or Chen.

Claim 13, as amended, recites “wherein the first and second handles each have a first side having a first flange extending therefrom and a second side having a second flange extending therefrom . . . the first flange and the second flange forming a web connecting the first side and the second side to form a u-shaped channel.” The amendment to claim 13 is supported by the specification, as filed, at Paragraph 49. The references cited by the Examiner do not show a handle construction in which a u-shaped handle is formed by two sides, each having a flange extending therefrom, the flanges having a tongue and a groove that allow the flanges to be connected together to form a web connecting the two sides. The two piece handle formation is beneficial because it permits the accommodation of different components in the handle construction, such as the inclusion of the tool cartridge shown in Fig. 5 of the present application. Further, in addition to the benefits of the two-piece handle construction, the tongue and groove configuration in the web opposite the opening of the channel provides additional tolerance when assembling the components because the distance in the channel between the two sides may be varied slightly to accommodate components having different sizes while still forming a continuous web connecting the two handle sides.

Neither Chen or Lin disclose, teach, or suggest a two-piece, u-shaped handle. In contrast, Chen and Lin disclose handles having a closed construction. Applicants respectfully assert that independent claim 13, as amended, is patentable over the combination of Rivera, Chang, or Berg et al. with either Lin or Chen and present claim 13 for reconsideration and allowance.


CONCLUSION

Claims 1-20 are pending in the present application. Claims 3, 4, 6-12, and 14-20 are withdrawn from consideration. Claim 13 has been amended. Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 8/23/04

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